



Town of Barnstable
Zoning Board of Appeals
Agenda
May 23, 2007

Revised as of 04-12-07

7:00 PM Appeal 2007-015 – Continued Doherty
Appeal of an Administrative Official

Members; Randolph Childs, Ron S. Jansson, Kelly Kevin Lydon, Sheila Geiler, Gail Nightingale

Opened March 21, 2007, continued April 11, 2007, and to May 23, 2007
Continued for:

- Attorneys review of Standing and
- Complete hearing of the case and issues by all parties involved

Philip R. Doherty, owner of Air Cape Cod LLC, has appeal the December 13, 2006 determination of the Building Commissioner that no zoning violation exists and therefore no enforcement action would be taken on the part of the Building Division. The applicant sought zoning enforcement against the existing operations and the proposed construction of a 7,480 sq.ft. air hanger building of Cape Flight Instruction, Inc. The applicant has cited that the operations and proposed development is in violation of Section 240-35, Groundwater Protection Overlay District regulations. The property is addressed as 480 Barnstable Road and 200 Mary Dunn Way, Hyannis, MA and is shown on Assessor's Map 329 as parcels 003 and 013. It is located in an IND Industrial and a GP and WP Overlay Zoning District.

7:15 PM Appeal 2007-043 - New Jaques
Bulk Variance – Minimum Lot Area

Paul B. and Beverly G. Jaques and Paul B. Jaques and Beverly G. Jaques Trustees of the Paul B. and Beverly G. Jaques 2006 Charitable Remainder Unitrust have petitioned for a Variance to Section 240-13(E) Bulk Regulations – Minimum Lot Area. The applicants seek to allow a vacant undersized lot that has merged with an adjoining lot to be considered a separate buildable lot under zoning. The vacant lot is addressed as 44 Quail Road, Osterville, MA on Assessor's Map 117 as parcel 177. The developed lot is addressed as 40 Quail Road, Osterville, MA on Assessor's Map 117 as parcel 012.

7:30 PM Appeal 2007- 044 - New Buksport, Inc.
Modification of Special Permit 2003-060

Buksport, Inc., d/b/a, Keeper's has applied for a Modification of Special Permit 2003-060 to allow for an extended hours of operation from 10:00 P.M. to Midnight for a seasonal restaurant known as 'Keepers Restaurant'. Condition No 5 of that Permit requires that any changes in hours of operation shall require Zoning Board approval. The property is shown on Assessor's Map 116, Parcel 013, addressed as 330 West Bay Road, Osterville, MA in a MB-A2 Business District.

7:45 PM

Appeal 2006-024 – Continued

Corey

Conditional Use in a Highway Business

Members: Ron S. Jansson, James Hatfield, Daniel M. Creedon, Kelly Kevin Lydon, John T. Norman
No Alternates

Continued for addition review and input.

Opened March 22, 2006 continued April 12, 2006, May 24, 2006, July 26, 2006, September 13, 2006, November 15, 2006, January 3, 2007, January 31, 2007, March 28, 2007, and to May 23, 2007.

Donald J. Corey, Jr., has applied for a Special Permit pursuant to Section 240-25 (C)(1) Conditional Use in a Highway Business District and a Modification of Special Permit 1969-66 issued to Father McSwiney Associates Inc. The applicant seeks to demolish the existing Knights of Columbus Hall and redevelop the site with a 9,801 sq.ft. retail building and related site improvements. Use of the site is to be that of retail sales of liquor. The property is addressed 1030 Falmouth Road (Route 28), Centerville/Hyannis, MA, as shown on Assessor's record as Map 250 as parcel 065, in a Highway Business and Residence D-1 Zoning District.

7:45 PM

Appeals 2007-009 & 010 – Continued

Corey

Opened January 31, 2007, continued to March 28, 2007, and to May 23, 2007.

Appeal 2007-009 Conditional Use Special Permit

Donald J. Corey, Jr., has applied for a Special Permit pursuant to Section 240-25(C) Conditional Use in a Highway Business Zoning District. The applicant seeks to designate a 30-foot wide easement from Wequaquet Lane to property addressed 1030 Falmouth Road (Route 28), Centerville/Hyannis, MA. The easement is to be developed as a driveway for access to and egress from a proposed commercial development of 1030 Falmouth Road. The easement and drive is to be created over land addressed; 28 and 0 Wequaquet Lane, Centerville, MA, and 0 and 1030 Falmouth Road, Centerville/Hyannis, MA. The property is shown on Assessor's Map 250 as parcels 024, 023X02, 023X01 and 065. The land is zoned Residence D-1 and Highway Business.

Appeal 2007-010 Use Variance for Driveway

Donald J. Corey, Jr., has applied for Variances to Section 240-11(A) Principal Permitted Uses and Section 240-11(E) Bulk Regulations of the Residence D-1 Zoning District. The applicant seeks to designate a 30-foot wide easement from Wequaquet Lane to property addressed 1030 Falmouth Road (Route 28), Centerville/Hyannis, MA. The easement is to be developed as a driveway for access to and egress from a proposed commercial development of 1030 Falmouth Road. The easement and drive is to be created over land addressed; 28 and 0 Wequaquet Lane, Centerville, MA, and 0 and 1030 Falmouth Road, Centerville/Hyannis, MA. The property is shown on Assessor's Map 250 as parcels 024, 023X02, 023X01 and 065. The land is zoned Residence D-1 and Highway Business.

8:00 PM

Appeal 2007-045 - New

Stuborn Limited Partnership

Appeal of an Administrative Official

Stuborn Limited Partnership has appealed the Building Commissioner's April 11, 2007 denial of a building permit for a 4,900 sq.ft. retail use. In denying the permit, the Commissioner cited that retail use is no longer a principal permitted use in the Office Multifamily (OM) Residential District and it is only allowed as an accessory use not to exceed 1,500 sq.ft. The property is addressed as 309 Stevens Street, Hyannis, MA and is shown on Assessor's Map 308 as parcel 045. It is located in the OM - Office Multifamily Residential District.

Open Chairman's Discussion
